

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rule making related to licensure, criminal convictions, and wallet cards and providing an opportunity for public comment

The Board of Nursing Home Administrators hereby proposes to amend Chapter 141, “Licensure of Nursing Home Administrators,” and Chapter 144, “Discipline for Nursing Home Administrators,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76 and chapter 155 and 2020 Iowa Acts, House File 2627.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 147.10 and chapter 155 and 2020 Iowa Acts, House File 2627.

Purpose and Summary

The proposed amendments implement the provisions of 2020 Iowa Acts, House File 2627, by (1) updating the Board’s licensure rules to include a reference to a rule in the new 645—Chapter 19 (ARC 5367C, IAB 12/30/20), which implements new Iowa Code section 272C.12, and (2) updating the Board’s rules regarding criminal convictions as grounds for discipline. The proposed amendments also remove references to wallet cards and update an obsolete cross-reference.

Fiscal Impact

This rule making has minimal fiscal impact to the State of Iowa. Licensees would no longer need to pay to receive duplicate wallet cards and instead would be able to print their own renewal verification if needed.

Jobs Impact

After analysis and review of this rule making, there is a potential positive impact on jobs as individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on March 16, 2021. Comments should be directed to:

Sharon Dozier
Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: sharon.dozier@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 16, 2021
9 to 10 a.m.

Via Webex:
idph.webex.com/idph/j.php?MTID=m3c42c40bcc17792e9c1cdbaa6408ed2b
Password: GAhMjEu7*53
Via telephone: 408.418.9388
Access code: 146 783 2932

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 645—141.2(155) as follows:

645—141.2(155) Requirements for licensure. The following criteria shall apply to licensure:

1. An applicant shall ~~complete~~ submit a ~~board-approved~~ completed licensure application packet. ~~Application forms may be obtained from the board's website (www.idph.iowa.gov/licensure) or directly from the board office. All applications shall be sent to the Board of Nursing Home Administrators, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075;~~

2. to 9. No change.

ITEM 2. Amend rule 645—141.7(155) as follows:

645—141.7(155) Licensure by endorsement.

141.7(1) An applicant who has been a licensed nursing home administrator under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. a. Submits to the board a completed application;
2. b. Pays the licensure fee;

3. ~~c.~~ Provides evidence of a minimum of a bachelor's degree from a college or university accredited by the United States Department of Education. An official copy of the academic transcript denoting date of graduation and the degree conferred shall be sent directly from the school to the board office;

4. ~~d.~~ Provides evidence of an active license as a nursing home administrator for at least two years just prior to application, or meets the qualifications outlined in rule 645—141.4(155);

5. ~~e.~~ Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- ~~a.~~ (1) Licensee's name;
- ~~a.~~ (2) Date of initial licensure;
- ~~a.~~ (3) Current licensure status; and
- ~~a.~~ (4) Any disciplinary action taken against the license; and

~~f.~~ 6. Provides one of the following:

~~a.~~ (1) The official NAB examination score sent directly from NAB to the board or from the state in which the applicant was first licensed; or

~~a.~~ (2) Evidence of certification as a nursing home administrator (CNHA) in good standing with the American College of Health Care Administrators.

141.7(2) Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

ITEM 3. Amend subrule 141.9(4) as follows:

141.9(4) Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license ~~and shall send the licensee a wallet card by regular mail~~. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

ITEM 4. Amend subrule 141.9(5) as follows:

141.9(5) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the ~~wallet card~~ renewal. The licensee shall be assessed a late fee as specified in ~~645—subrule 145.1(3)~~ 645—subrule 5.12(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 5. Rescind subrule 144.2(13) and adopt the following **new** subrule in lieu thereof:

144.2(13) Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense are actions customarily performed within the scope of practice of the profession or the circumstances under which the offense was committed are circumstances customary to the profession.